

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

NEKTAR THERAPEUTICS, )  
Plaintiff/Counter-Defendant, )  
v. ) CASE NO.  
ELI LILLY & CO., ) 3 :23-CV-03943-JD  
Defendant/Counter-Claimant. )  
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DEPOSITION OF YI LIU

CONFIDENTIAL -- ATTORNEYS' EYES ONLY

Friday, May 2, 2025

APPEARING REMOTELY FROM HUNTINGTON BEACH, CALIFORNIA

STENOGRAPHICALLY REPORTED BY:  
LINDSAY A. STOKER, RDR, RMR, CRR, CRC  
CA CSR No. 14373  
Job No.

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1 other members on the -- or other colleagues;  
2 correct?

3 A. Yes.

4 Q. And you recall using Microsoft Teams to  
5 chat with other colleagues about the development of  
6 REZPEG; correct?

7 MR. BATTER: Objection.

8 THE WITNESS: I generally don't use the  
9 Microsoft Team chat to talk about any substantive  
10 work related to the development of REZPEG. Usually  
11 it is all about simple messages, reminders, things  
12 like that, for chat.

13 BY MR. HOLT:

14 Q. What is your definition of a simple message  
15 in the way that you just used it for me?

16 A. Can you show me where this document is  
17 located, or have you seen my email, can you reply to  
18 somebody's email, have you sent out the meeting  
19 invite for this meeting, or whatever meeting; things  
20 like that.

21 Q. You told me that you generally don't use  
22 the Teams chat for substantive work, but sometimes  
23 maybe -- let me strike that and start over.

24 You said you generally don't use Microsoft Team  
25 chat to talk about any substantive work related to

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1 the development of REZPEG, but sometimes you,  
2 nonetheless, have used Microsoft Teams chat to  
3 discuss substantive work about the development of  
4 REZPEG. It is just not your default choice; fair?

5 MR. BATTER: Objection.

6 THE WITNESS: No. So I don't -- generally just  
7 don't use it for any substantive work in chat.

8 BY MR. HOLT:

9 Q. Why not?

10 A. Because that's not where you document  
11 decisions. We need -- we need formal documentation  
12 on all the things that we are doing, making the  
13 statistical analysis plan, the specifications, the  
14 table listing shells. Those are all documents where  
15 we document all the decisions.

16 Q. As part of creating any of that formal  
17 documentation, you sometimes discussed its creation  
18 via Teams chat and then it will ultimately make its  
19 way into a formal document.

20 Is that fair?

21 MR. BATTER: Objection.

22 THE WITNESS: I don't recall that. Usually the  
23 discussions are not the meeting chat, as I  
24 mentioned. Chat is just for -- typically it's just  
25 for short messages or intermediate steps,

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1 discussions.

2 BY MR. HOLT:

3 Q. Is it your testimony that nothing that you  
4 discussed in Microsoft Teams chat related to REZPEG  
5 is substantive?

6 MR. BATTER: Objection.

7 THE WITNESS: To my best recollection, nothing I  
8 discussed in Microsoft Teams chat is substantive to  
9 my work about REZPEG development.

10 BY MR. HOLT:

11 Q. What's your definition of substantive in  
12 that context?

13 A. That are unimportant, like anything that  
14 could be discussed in -- you know, that are  
15 mentioned in chat are not important. Anything  
16 important are all properly documented in emails or  
17 documentations.

18 Q. It is your testimony today that nothing  
19 that you discussed in Microsoft Teams chat about  
20 REZPEG is important; correct?

21 MR. BATTER: Objection.

22 THE WITNESS: To my best recollection, I don't  
23 believe I have any important discussions using chat.

24 BY MR. HOLT:

25 Q. Other members of REZPEG can send you Teams

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1           THE WITNESS: I don't recall specific chats. As  
2 I said, it is about things that are not important.

3 BY MR. HOLT:

4           Q. Dr. Liu, have you ever received any  
5 guidance from somebody at Nektar as to how you  
6 should or should not use the Microsoft Teams chats?

7           A. I believe when I first -- when the company  
8 first introduced the software, we got trainings, and  
9 I vaguely recall the mentioning of chats  
10 automatically deleted after one or two days.

11           So we generally don't use chat for any important  
12 discussions. It is all quick messages. All the  
13 important work are documented in the emails or  
14 follow-up documents or team channel share documents,  
15 things like that.

16           Q. Do you recall that it was sometime in 2021  
17 that Nektar transitioned from Skype to Teams as its  
18 chat function?

19           A. That sounds about right. I know it's a  
20 couple years ago.

21           Q. Do you recall if the Skype chats  
22 automatically deleted after one or two days?

23           A. Probably.

24           Q. Do you recall for sure, or do you not  
25 remember?

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1 Q. Why not?

2 A. Probably a couple weeks ago, a month or two  
3 ago.

4 Q. Since the retention policy for Teams chat  
5 has changed to stop the Teams chats from being  
6 automatically deleted, has that at all impacted the  
7 way that you use Teams chat?

8 A. No.

9 Q. Why not?

10 A. Why change? Our practice keeps the same.  
11 We don't change just because of the changing --  
12 chats function changes. We just do business as  
13 usual.

14 Q. And what is business as usual, as you're  
15 describing it?

16 A. Meaning, important discussions are not  
17 occurring in chat. Important discussions,  
18 substantive work are documented in documents or  
19 emails.

20 Q. Are you currently a member of any teams on  
21 Microsoft Teams?

22 A. Probably.

23 Q. What specific teams are you a member of in  
24 Microsoft Teams, specific to work on REZPEG?

25 A. I think I'm part of the strategy team, the

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1 Q. Within the Microsoft teams application, you  
2 can see all of the teams of which you are a member;  
3 correct?

4 A. Yes.

5 Q. Can you go ahead and open up your Microsoft  
6 Teams function and read out to me the names of the  
7 different teams of which you are currently a member?

8 A. Okay. So I am going to go to Teams right  
9 now and read you the names that I see on my meeting?

10 Q. That's correct. I want the list of teams  
11 and channels that you're a member of within  
12 Microsoft Teams, and then after you tell me that  
13 list, I will confirm with you which ones of those  
14 are related to REZPEG.

15 A. Okay. So the first is called Nektar,  
16 NKTR-214 program -- I can't see the full name,  
17 actually -- program\_INT. That's the first one.

18 The second is ClinDevOps\_NKTR-358 Program,  
19 Internal\_GBL\_Team; the third one is Microsoft  
20 Teams-training sandbox; the fourth one is NKTR-255  
21 Program\_EXT; the next one is NKTR\_EC\_committee;  
22 DSS\_ORG\_GBL\_Team\_INT; SCIOPS -- so SCIOPS\_REZPEG  
23 data analytics\_SFMB\_team; External 850-information  
24 technology\_GBL\_JDE\_TRAIN\_SGA\_GXP; and  
25 XSOX\_INT\_PCS team; CMO\_DEVSLT\_SFMB\_team\_INT. Okay.

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1       SCIOPS -- SCIOPS\_R&D leadership team\_GBL\_team;  
2       TRANSMED\_NKTR-255\_FredHutch IST\_study\_team\_EXT.

3           Q.     Let me pause you right there, doctor. I  
4 have about 14 or so so far.

5           Can you tell me, before you read them all out,  
6 what the total number of Microsoft Teams you have of  
7 which you are a member?

8           A.     Let me count.

9           Q.     Sure.

10          A.    I think I have six more.

11          Q.    Six more. Of the six remaining, how many  
12 of those are related to REZPEG specifically?

13          A.    That one is not. How many are related to  
14 REZPEG?

15          Q.    Correct.

16          A.    I mean, some of it are -- like regulatory  
17 has a team, but I am not sure if it is related to  
18 REZPEG or the other program. It could be anything.

19          Q.    So is it fair to say, and please tell me if  
20 my math was wrong, that currently you are a member  
21 of 20 different teams within Microsoft teams for  
22 your work at Nektar?

23          A.    Let me count. It is only 17. 17 in total.

24          Q.    17 total. Thank you. Of those 17  
25 Microsoft teams team that you're a member of, how

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1 many of them do you use currently for work on  
2 REZPEG?

3 A. Only a few of them.

4 Q. Can you give me the specific number and  
5 then the names of those specific Teams channels?

6 A. When you say do I use, I don't actually use  
7 it very often, or maybe never have used it. It is  
8 just there.

9 Q. I will re-state my question, then.

10 Of those 17 total Microsoft Teams teams, how  
11 many of them are you aware of are used by anybody at  
12 Nektar for REZPEG?

13 A. Definitely less than ten. Maybe eight or  
14 nine. It is hard to tell exactly, because I don't  
15 really use it. I probably use only two or three at  
16 most. So it is --

17 (Reporter Clarification.)

18 A. I have only used two or three of the  
19 channels, or the teams. It is hard for me to tell  
20 which one there for sure are for REZPEG development.

21 Q. Being conservative, then, with the numbers  
22 you told me, fair to say that at least eight of  
23 those 17 Microsoft Teams teams are used by  
24 colleagues at Nektar for REZPEG to the best of your  
25 knowledge?

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1 MR. BATTER: Objection.

2 THE WITNESS: I don't know about at least eight.

3 I don't know for sure because I don't read all those  
4 channels and I don't use it, actually.

5 BY MR. HOLT:

6 Q. How many are you for sure are used for  
7 REZPEG?

8 A. Two.

9 Q. And what are those two?

10 A. There is a strategy team channel. Let's  
11 see. There is a SCIOPS REZPEG data analytics  
12 channel.

13 Q. I apologize to do this to our court  
14 reporter, but just so I have a clear record, can you  
15 give me the name, the actual name of the team,  
16 that's the SCIOPS REZPEG data analytics channel?

17 A. Are you asking me?

18 Q. Yes.

19 A. You want me to read the exact name?

20 Q. Yes. You gave us the full list before, but  
21 I want to be sure when you referred to the SCIOPS  
22 data analytics channel I know specifically the title  
23 of the Microsoft Teams that you are referring to.

24 A. It is SCIOPS\_REZPEG data  
25 analytics\_SFMB\_team.

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1 (Reporter Clarification.)

2 BY MR. HOLT:

3 Q. Can you tell me the name of the strategy  
4 team channel?

5 A. It is ClinDevOps\_REZPEG, space, strategy,  
6 space, team\_SFMB\_team.

7 Q. Thank you, Doctor. Of the 17 Teams  
8 channels for -- let me strike that.

9 Are you reading off Teams channels or just the  
10 names of teams? I believe it's just the names of  
11 teams and I want to be sure I'm getting the  
12 vernacular correct.

13 A. It is the teams.

14 Q. Thank you. Of those 17 teams of which you  
15 are currently a member, how many of them referenced  
16 REZPEG in the title?

17 A. Four.

18 Q. Of these 17 Microsoft teams of which you  
19 are currently a member, how many of them reference  
20 Nektar-358 in the title?

21 A. Sorry. I was counting 358 in the count  
22 before that I provided to you.

23 Q. Understood. Thank you.

24 Aside from the 17 teams of which you are  
25 currently a member, do you recall being a member of

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1 any Microsoft team specific for work on REZPEG which  
2 is no longer functional?

3 A. I think so.

4 Q. And which of those no longer functioning  
5 Microsoft Teams specific for work on REZPEG do you  
6 recall being a part of?

7 A. I don't think so. I don't think any --  
8 wait. Sorry. Let me clarify if I understand your  
9 question correctly.

10 I believe all the teams that I have ever been a  
11 member are on that page that I was just reading  
12 through the list. I don't recall any team being  
13 removed that I was ever a member of before.

14 Q. Okay. Understood. Thank you, Doctor. I  
15 had misunderstood your first answer, but I follow  
16 you now.

17 A. Okay. Sorry.

18 Q. Can you please click into the SCIOPS\_REZPEG  
19 data analytics team and tell me if you see a current  
20 group chat?

21 A. I see posts, files, notes.

22 Q. Do you see any Teams chats as part of the  
23 SCIOPS\_REZPEG data analytics team team?

24 A. I don't see any chat, as I said. I only  
25 see posts, files, notes, as a function for this

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1 team.

2 Q. And what is a post?

3 A. I don't know. It says post, but I am  
4 assuming it is similar to chats.

5 Q. Can you click on post for me?

6 A. Yeah. I click on post, and then you could  
7 start a post if you want to, and then -- yeah.  
8 There's no post right now.

9 Q. Have you ever made a post on Teams?

10 A. No.

11 Q. Are you familiar with anybody --

12 A. I don't recall.

13 Q. -- in the SCIOPS\_REZPEG data analytics team  
14 ever making a post?

15 A. I don't recall.

16 Q. You told me earlier how sometimes, during  
17 Microsoft Teams meetings, individuals will use the  
18 chat function to post screenshots to facilitate the  
19 conversation.

20 Do you recall that happening as part of meetings  
21 of the SCIOPS\_REZPEG data analytics team?

22 A. For the team separate from the meeting; so  
23 if you have a meeting, if you have a Microsoft Team  
24 meeting, during that meeting there's a chat function  
25 where you can use. I think it is separate from this

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1 team and the post and the files and notes. To me,  
2 it is totally separate.

3 Q. So does the SCIOPS\_REZPEG data analytics  
4 team actually meet or is that --

5 A. No.

6 Q. -- a repository of documents?

7 A. It is a repository.

8 Q. Can you click on the ClinDevOps\_REZPEG team  
9 team?

10 A. Yes.

11 Q. Do you see any chats within this specific  
12 team?

13 A. I see there is a post. I don't see chat.

14 Q. Is there one post or multiple posts?

15 A. Two posts.

16 Q. Let's take one at a time. I assume they  
17 are dated; correct?

18 A. Correct.

19 Q. What is the date of the most recent post in  
20 the ClinDevOps team?

21 A. March 3rd, 2025.

22 Q. Who made the post?

23 A. Michelle Ryder.

24 Q. Can you spell that last name?

25 A. R-y-d-e-r.

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1 Q. Is it a long post or a short post? I want  
2 to know before I ask you to read it.

3 A. Short, two sentences.

4 Q. Can you tell me what Michelle Ryder's post  
5 was in the ClinDevOps chat on March 3rd of 2025?

6 A. [As read]: Hi, all, I moved the drafts of  
7 the REZPEG EOP2 request and the briefing package to  
8 the archive folder. Please do not make updates to  
9 these documents. I am going to update both  
10 documents and upload for further authoring. I'll  
11 let you know when they're ready for you again.

12 Thanks, Michelle.

13 Q. Can you tell me the date of the second post  
14 within the ClinDevOps team?

15 A. October 27, 2023.

16 Q. Who made that post?

17 A. Katie Kaygill-Knapp.

18 Q. Can you spell that last name?

19 A. K-a-y-g-i-l-l, dash, K-n-a-p-p.

20 Q. Is Katie's post a long one or similarly  
21 brief?

22 A. Similar. Similar.

23 Q. Can you read that post for me, please?

24 A. [As read]: Hi, REZPEG strategy team, a  
25 number of you have shared some articles via email,

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1 so I created a folder in our teams where I have  
2 saved the various publications. Feel free to put  
3 additional publications there (just drag and drop)  
4 and you can tag folks who may be interested or post  
5 here. And there's a link to the publications.  
6 Best, Katie.

7 Q. Thank you, Doctor.

8 Within your Microsoft Teams application, you can  
9 see that there's a section specifically for Teams  
10 chats; correct?

11 A. Yes.

12 Q. Can you click on that, please?

13 A. Okay.

14 Q. Can you just tell me the number of active  
15 teams chats that you currently have?

16 A. Two, three, four, five, six, seven, eight,  
17 nine, ten, eleven -- I am sorry. I lost track.

18 One, two, three, four, five, six, seven, eight,  
19 nine, ten, eleven, twelve, thirteen, fourteen,  
20 fifteen, sixteen, seventeen, eighteen, nineteen,  
21 twenty, twenty-one, twenty-two, twenty-three,  
22 twenty-four, twenty-five, twenty-six.

23 Q. To be clear, you currently have 26 active  
24 chats in Microsoft Teams; is that correct?

25 A. What do you mean by "active"?

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1 Q. I mean, when you open up your Teams  
2 application, you can see that there's a chat history  
3 for these entries. You see 26 different chat  
4 histories?

5 A. That's right.

6 Q. Can you tell if each of these 26 chats are  
7 with individuals, or is it a mix of with individuals  
8 and groups?

9 A. Mix.

10 Q. Can you tell me how many of the 26 chats  
11 are with individuals, and then we can do some math  
12 and figure out how many of them are with groups?

13 A. Sure. One, two, three, four, five, six,  
14 seven, eight, nine, ten, eleven. Eleven.

15 Q. Eleven --

16 (Reporter Clarification.)

17 BY MR. HOLT:

18 Q. Dr. Liu, 11 of the 26 chats that you have  
19 in your Teams chat history were with individuals;  
20 correct?

21 A. Correct.

22 Q. That means that 15 of the 26 chats in your  
23 Teams chat history are with groups; correct?

24 I am sorry, Doctor. I did not hear your answer.

25 A. Correct.

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1 Q. Thank you. Can you tell me the names of  
2 the just individuals with whom you currently have  
3 Teams chats?

4 A. Sure.

5 Q. If you could say both their first and last  
6 name, I would appreciate that.

7 A. Okay. Shirley Wang. Oh, sorry, I actually  
8 misspelled her last name before, it should be W-a-n  
9 without the g. Last time I told you W-a-n-g. It  
10 should be W-a-n.

11 Q. Understood. Thank you for that  
12 clarification.

13 A. And then Connie Louie-Tse. That is spelled  
14 as L-o-u-i-e, dash, T-s-e. That's her last name.

15 And I misspelled her last name, too, sorry,  
16 before.

17 Jason Barnard, B-a-r-n-a-r-d; and Danni Yu; and  
18 Qing Zheng, Q-i-n-g, Z-h-e-n-g; Karyn Cassello,  
19 K-a-r-y-n, C-a-s-s-e-l-l-o; and Sohal Chaudhry,  
20 S-o-h-a-l, C-h-a-u-d-h-r-y; and Charleen Jue,  
21 C-h-a-r-l-e-e-n, J-u-e. Oh, and there's -- sorry.  
22 I skipped a few. There's Meng Zhang, M-e-n-g,  
23 Z-h-a-n-g; Jonathan Zalevsky, J-o-n-a-t-h-a-n,  
24 Z-a-l-e-v-s-k-y.

25 That's all.

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1 Q. Thank you, Doctor. I appreciate you  
2 walking through that.

3 Can you click on your chat with Danni Yu, who is  
4 one of your direct subordinates; correct?

5 A. Yes. Okay.

6 Q. Can you scroll as far up as you can and  
7 tell me what the latest-in-time message is in the  
8 Teams chat conversation between yourself and Danni  
9 Yu?

10 A. You mean the latest or earliest?

11 Q. The earliest. Thank you for the  
12 clarification. I want to see how far back in time  
13 the chat goes.

14 A. Okay. Still scrolling.

15 Q. Understood. Let me know when you get  
16 there.

17 A. Okay. Okay. Got it. February 25, 2025.

18 Q. Can you also, then, click on your chat with  
19 Qing Zheng, another one of your direct reports, and  
20 let me know the earliest chat that's available in  
21 that conversation?

22 A. It is Tuesday, April 29, 2025.

23 Q. And then just one more, doctor. Can you  
24 click on your conversation with Jonathan Zalevsky  
25 and tell me what the earliest Teams chat is in that

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1 conversation chain?

2 A. March 5th, 2025.

3 Q. Within the application that you're looking  
4 at right now, Doctor, am I correct that, if your  
5 Teams looks like my Teams, on the left-hand side of  
6 the application is the list of all the different  
7 conversations and then on the right side of the  
8 application is the actual content of the chat?

9 A. Yes.

10 Q. Is that what you see as well?

11 A. Yes.

12 Q. Do you also see at the top of the Teams  
13 application there's a search bar?

14 A. Yes.

15 Q. Can you type REZPEG into the search bar?

16 A. Sure.

17 Q. And then go ahead and click Enter to search  
18 that.

19 A. Yes.

20 Q. Can you tell me how many results you have  
21 in your Teams chat for the word REZPEG?

22 A. It specifies all, messages, people, files.  
23 It is all; right?

24 Q. Let's do just messages. I am not  
25 interested in files. So thank you for that

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1 clarification.

2 Just looking at messages, how many hits do you  
3 have for REZPEG?

4 A. One, two, three, four, five - five. Wait.

5 There's All results. What does that mean? There's  
6 Top results and All results. Oh, because I think  
7 the All results includes the REZPEG is included in  
8 the meeting title, not in the content of the chat.

9 So if somebody's chat content contained the word  
10 REZPEG, that's different, versus the word REZPEG is  
11 in the title of a meeting where people are just  
12 replying and chatting, using the meeting chat.

13 Q. I see. But you're in the messages filter;  
14 correct?

15 A. Yes.

16 Q. Do you see beneath the messages filter  
17 there's a dropdown for Type?

18 A. Yes.

19 Q. And the options are Chat and Channel?

20 A. Yes.

21 Q. Can you go ahead and click on Chat so that  
22 we're just looking at Teams chats that use the word  
23 REZPEG?

24 A. Yes.

25 Q. And looking at this, you mentioned there's

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1 Top results and All results. I am interested in the  
2 full results.

3 How many instances of REZPEG do you see  
4 appearing in your Teams chats currently?

5 A. If you're focusing on All results, 1, 2, 3,  
6 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17,  
7 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,  
8 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,  
9 44, 45, 46, 47, 48, 49, 50, 51, 52, 53. 53.

10 MR. BATTER: Dr. Liu, this is Kyle. I will note  
11 the court reporter is taking down everything you  
12 say. So if you count out loud, she has to type all  
13 of that, which is fine, but if you are able to count  
14 in your head, the court reporter would probably  
15 appreciate it.

16 THE WITNESS: Sorry. Yes.

17 MR. HOLT: Thank you, Kyle and Lindsay. Much  
18 appreciated.

19 (Discussion held off the record.)

20 MR. HOLT: Understood.

21 I want to continue this line, Dr. Liu, but we  
22 can take a break. So I would ask that when you take  
23 the break, you just leave your Microsoft Teams as it  
24 is so that we can pick up where you left off.

25 Okay?

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1           THE WITNESS: Okay.

2           MR. HOLT: We can go off the record, then.

3           THE VIDEOGRAPHER: The time is 11:33 a.m. We're  
4 going off the record.

5           (Recess) .

6           THE VIDEOGRAPHER: The time is 12:02 p.m., and  
7 we're back on the record.

8 BY MR. HOLT:

9           Q. Dr. Liu, before the break, we were looking  
10 at your Microsoft Teams function, and we saw that  
11 looking at the current chats you have, there were 53  
12 hits for the term REZPEG; correct?

13          A. Yes.

14          Q. Do you still have that in front of you?

15          A. Sorry. I clicked on something. Let me --  
16 I should be able to.

17          Q. Sure. Just let me know when you get back  
18 to where we were.

19          A. Yeah, I'm here.

20          Q. So you are in your chats filtered by  
21 messages, and then the type is further filtered to  
22 include only chat; correct?

23          A. Yes.

24          Q. Your testimony is that none of these 53  
25 mentions of REZPEG in these Teams chats are

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1 important; correct?

2 A. Correct.

3 MR. BATTER: Objection.

4 BY MR. HOLT:

5 Q. You don't even need to review any of these  
6 53 mentions of REZPEG. You just know for a fact  
7 that they are not important; right?

8 MR. BATTER: Objection.

9 THE WITNESS: To the best of my recollection, I  
10 don't believe they were -- any of them were  
11 important.

12 BY MR. HOLT:

13 Q. So, then, you are not sure whether they are  
14 important or not. You would have to look at each  
15 one to know whether they were important; right?

16 MR. BATTER: Objection.

17 THE WITNESS: As I said, I don't believe any of  
18 them were important.

19 BY MR. HOLT:

20 Q. Do you know if any of them were important?

21 A. I don't think so.

22 Q. And in order to reach that conclusion, you  
23 don't need to review any of the 53; correct?

24 MR. BATTER: Objection.

25 THE WITNESS: That's my belief. That's a

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1 general practice.

2 BY MR. HOLT:

3 Q. Can you see in the chat function that you  
4 can also filter by People?

5 A. Yes.

6 Q. Can you go ahead and filter by -- let me  
7 start over. I want to stay within the message.  
8 Okay?

9 A. Okay.

10 Q. And within chat, you can see there's the  
11 option to filter by From?

12 A. Yes.

13 Q. Can you filter so we are only looking at  
14 messages from Danni Yu that mentioned REZPEG?

15 A. Yes.

16 Q. You don't have to count them all if it is  
17 more than 10 or so, but can you give me a rough  
18 estimate of how many of the hits show up for Danni  
19 Yu specifically?

20 A. Four.

21 Q. Four. Thank you.

22 What is the most recent in time?

23 A. I am going to look. The most recent is  
24 March 28th, 2025.

25 Q. Can you filter by From, but instead of

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1 Danni Yu, type in Qing Zheng?

2 A. Nothing.

3 Q. And can you filter it to be from Heng Xu?

4 A. There's one.

5 Q. What's the date of that one?

6 A. March 31st, 2025.

7 Q. What does Heng say in that chat?

8 A. Just a link to a document.

9 Q. Does the link include REZPEG in the title  
10 then?

11 A. The link doesn't include REZPEG in the  
12 title.

13 Q. Are you still filtered to show results  
14 hitting on REZPEG, Dr. Liu?

15 A. Yes.

16 Q. Can you tell me -- I just don't have the  
17 benefit of seeing your Teams -- why this hit showed  
18 up for Heng Xu for REZPEG?

19 A. I am confused as well because the link name  
20 is 2025-03-28. Oh, I think probably because it is a  
21 link to a Teams SharePoint site and that SharePoint  
22 site had the name REZPEG. That might be why.

23 Q. I see. Thank you. Can you filter the From  
24 to be Jonathan Zalevsky?

25 A. One.

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1 Q. What's the date of that?

2 A. March 3rd, 2025.

3 Q. Is that a chat where Dr. Zalevsky starts  
4 with: Hello team, I'm working on a question to the  
5 group?

6 A. No.

7 Q. Can you tell me what the chat is from  
8 Dr. Zalevsky?

9 A. [As read]: Thanks for the meeting  
10 everyone. I need to drop off now.

11 Q. Can you tell me where it mentions REZPEG.

12 A. Because it is a chat in the meeting titled  
13 REZPEG phase 3 protocol development working group.

14 Q. I see. Thank you.

15 Doctor, can you make it so that we are not  
16 filtering by any individual again so that we get  
17 back to 53 instances of chats hitting on REZPEG?

18 A. Yes.

19 Q. Just let me know when you're there, please.

20 A. I'm here.

21 Q. Thank you. Can you replace with 358 as the  
22 search term?

23 A. I'm done.

24 Q. Can you tell me how many hits there are in  
25 your messages in Microsoft Teams chats for 358?

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1 A. In the All results; correct?

2 Q. Correct. But still filtered just to show  
3 chats.

4 A. Yes. More than a hundred now.

5 Q. Having counted up to 100, can you tell if  
6 you're at least halfway through, or --

7 A. I can't tell. I can give you the total  
8 number of pages. It is just Next, Next.

9 Q. I see. In your Microsoft chat history in  
10 the active chats right now, there's more than 100  
11 hits for the term 358; correct?

12 A. Correct.

13 Q. And your testimony today is that none of  
14 these more than 100 instances of mentions of 358 are  
15 important; correct?

16 MR. BATTER: Objection.

17 THE WITNESS: As I mentioned, as a general  
18 practice, I don't believe any of those were  
19 important.

20 BY MR. HOLT:

21 Q. You don't think you have to review any of  
22 these 100 entries that mentioned 358 in order to  
23 determine whether or not they are important; is that  
24 correct?

25 MR. BATTER: Objection.

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1           THE WITNESS: As I mentioned, that's -- the  
2 general practice is that none of those were  
3 important.

4 BY MR. HOLT:

5           Q. Even if it is your general practice, do you  
6 agree that there might be exceptions where there are  
7 references to 358 or REZPEG in your Microsoft Teams  
8 chats that are, in fact, important?

9           A. I don't think I generally -- I don't think  
10 there should be any that are important, as I  
11 mentioned.

12           Q. I have one more search term for you,  
13 Doctor.

14           Can you type in Rezolve, with the Z, so that we  
15 can capture both the atopic dermatitis and alopecia  
16 trials?

17           A. Yes. Nine.

18           Q. Thank you, Doctor. Could you just go back  
19 to REZPEG? I believe you told me the chat you had  
20 with Charleen Jue was from this past Tuesday. I  
21 want -- well, let me start over. You can exit out  
22 of the search term. Thank you for doing that.

23           I just want you to go back to the general open  
24 chats that you have. Okay?

25           A. Okay.

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1 Q. Am I correct that it was Charleen Jue where  
2 your most -- where your oldest chat was from this  
3 past Tuesday?

4 A. Charlene Jue, the oldest one is March 11th,  
5 2025.

6 Q. I see. What's the most recent for Ms. Jue?

7 A. The most recent is March 11th, 2025, the  
8 same date.

9 Q. Got it. Thank you. I was misremembering  
10 that. So maybe we'll find the right person during a  
11 break. But we can set aside Ms. Jue for now.

12 We were looking at the 11 different individuals  
13 with whom you had Teams chats, Doctor.

14 Can you tell, looking at the 15 group chats that  
15 you have, how many of those 15 groups are groups  
16 related to the development of REZPEG?

17 MR. BATTER: Objection.

18 THE WITNESS: Most of these are related to  
19 either the AA trial or the AD trial.

20 (Reporter Clarification.)

21 BY MR. HOLT:

22 Q. Of the 15 group chats that you currently  
23 have active in your Microsoft Teams application,  
24 most of them are related either to the ongoing  
25 Phase 2 alopecia trial or the ongoing Phase 2 atopic

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1 dermatitis trial; correct?

2 A. The -- the nonsubstantive messages  
3 related -- regarding our work, basically.

4 Q. Of the 15 different Teams chats -- let me  
5 start over.

6 Of the 15 different group teams chats on  
7 Rezolve-AA or the Rezolve-AD trial, your testimony  
8 is that, without looking at any of those 15 chats,  
9 you know that the information discussed in them is  
10 not important; correct?

11 MR. BATTER: Objection.

12 THE WITNESS: As I mentioned, I believe, to my  
13 best recollection, I believe none of them would be  
14 important.

15 BY MR. HOLT:

16 Q. You don't need to review any of those 15  
17 group Teams chats in order to assess whether  
18 anything in them is important; correct?

19 MR. BATTER: Objection.

20 THE WITNESS: I don't believe any of them were  
21 important.

22 BY MR. HOLT:

23 Q. Dr. Liu, I think I got the right name that  
24 I was looking for earlier.

25 Could you please open up your chat with

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1       Qing Zheng?

2       A.     Sure.

3       Q.     Was the chat where you had a conversation  
4     with Qing this past Tuesday?

5       A.     Correct.

6       Q.     Is that a message from you or from Qing?

7       A.     We both messaged each other.

8       Q.     How many messages is it, total?

9       A.     From either her or me?

10      Q.     Yes. Just this past Tuesday.

11      A.     Seven.

12      Q.     Seven. Without reading them all, then, can  
13     you tell me what was being discussed?

14      A.     I am asking her to cover for me for a  
15     meeting this morning because I cannot make it, and I  
16     was asking if she can, and she said, sure, and then  
17     I forwarded her the meeting invite, and she said got  
18     it.

19      Q.     Thank you, Doctor. Doctor, you can go  
20     ahead and minimize your Teams chat. Thank you for  
21     walking through that with me. I know it took a  
22     little longer because I can't see what you're  
23     seeing. But I appreciate you doing that and  
24     appreciate your honesty.

25      A.     Thank you. Sure.

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1 ClinDevOps team of which Jenny in clinical  
2 operations is the leader, Nektar employees would use  
3 this to discuss and share documents about REZPEG's  
4 clinical development?

5 MR. BATTER: Objection.

6 THE WITNESS: I don't know for sure. As I said,  
7 I didn't create this team. So --

8 BY MR. HOLT:

9 Q. Even though you didn't create it, you were  
10 one of only three members; correct?

11 A. I don't know how many members on the team.

12 Q. According to the email, there's three  
13 members; right?

14 A. The email says three.

15 Q. Okay. Can you pull up your Microsoft  
16 Teams, then, and tell me how many members are in it  
17 now?

18 A. Okay. 68.

19 Q. 68. Thank you.

20 Do you have any recollection of you using this  
21 particular team?

22 A. No.

23 Q. Are there any posts or chats in the  
24 Microsoft Teams application for this particular  
25 team?

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1 A. I don't recall.

2 Q. You can look, though, in the current Teams  
3 application; correct, and see if there's any posts,  
4 like you did for the other ClinDevOps folder; right?

5 A. Yes. Do you want me to look?

6 Q. Please.

7 A. I see a few posts.

8 Q. When was the most recent post?

9 A. September 15, 2023.

10 Q. And when was the oldest post?

11 A. July 25, 2023.

12 Q. Can you tell me the title of the July 2023  
13 post?

14 A. There is no title.

15 Q. What can you see about that post?

16 A. Jenny Gilbert posted a sentence.

17 [As read]: I added a tab at the top of this  
18 channel. Check it out.

19 Q. Thank you, Doctor.

20 Do you recall if there were any Teams meetings  
21 that you attended of this particular team, the  
22 ClinDevOps Nektar-358 Program Internal Team?

23 A. We don't have this meeting anymore. Sorry.  
24 I take it back. I think we still do. It's -- it is  
25 being -- I think it is monthly.

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1 mentioned in this exhibit still in use, or is that  
2 channel defunct?

3 MR. BATTER: Objection.

4 THE WITNESS: I don't know.

5 BY MR. HOLT:

6 Q. Can you look at your Microsoft Teams  
7 application right now to see if you can find this  
8 channel?

9 A. When you say "this channel," meaning this  
10 team --

11 Q. I can only go off, Doctor, what's in the  
12 document. My understanding is that a Microsoft  
13 Teams channel is separate from a Microsoft Teams  
14 team.

15 So, based on the minutes here, my question is  
16 whether you can see, in your Microsoft Teams  
17 application, whether you are still a member of this  
18 Teams channel for the study protocol review team?

19 A. So I do not see the word "channel" in my  
20 Microsoft Team application, just to be clear.

21 Q. Let me see if I can help guide you, Doctor.  
22 On the left-hand side of your application, do  
23 you see the icons for things like activity, chat,  
24 calls? Do you see those?

25 A. Yes.

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1 Q. If you could please click on Chat.

2 A. Okay.

3 Q. Above the list of the individuals in the  
4 group chats that you have, do you see that there's  
5 an ellipses up top, and if you hover over it, it  
6 says More List Options? There's the three dots.

7 A. Yes.

8 Q. If you click on the three dots, do you see  
9 an option for your teams and channels?

10 A. No. I see Mark All As Read.

11 Q. I see. Okay. Thank you, Doctor.

12 To the best of your recollection, then, do you  
13 recall being a member of the Microsoft Teams channel  
14 for the study protocol review team?

15 A. I don't recall specifically.

16 Q. You agree that it would help refresh your  
17 memory if you could access today the study protocol  
18 review teams channel; agree?

19 MR. BATTER: Objection.

20 THE WITNESS: I don't know.

21 BY MR. HOLT:

22 Q. Well, you don't remember if you were part  
23 of this Teams channel, but if you could see the  
24 Teams channel, that would answer your question  
25 because you would be able to see the membership;

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1 fair?

2 MR. BATTER: Objection.

3 THE WITNESS: I don't know.

4 BY MR. HOLT:

5 Q. We saw earlier that you were able to view  
6 the membership for Microsoft Teams teams; correct?

7 A. Correct.

8 Q. Within the Microsoft Teams application, you  
9 can also review the members of Microsoft Teams  
10 channels; correct?

11 A. I don't know.

12 Q. As best as you can tell in your Microsoft  
13 Teams application right now, you do not see a Teams  
14 channel for the study protocol review team; correct?

15 A. There are many functions here I don't use.  
16 Maybe it is available to me. I just don't -- I'm  
17 not designed to fully understand every single thing  
18 about the team. I don't see the word "channel" in  
19 the front screen when I open Team.

20 Q. In the search bar at the top of your Teams  
21 application, Doctor, earlier we were looking at the  
22 messages folder; correct? Or excuse me, the  
23 messages filter.

24 If you type something into that search bar, such  
25 that you get the filters, do you have a filter for

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1 files and then another filter for group chats?

2 A. Yes.

3 Q. Do you also have a filter for teams and  
4 channels?

5 A. Yes.

6 Q. Will you filter by teams and channels and  
7 then search for the protocol?

8 A. Yeah.

9 Q. Do you have any results, Doctor?

10 A. No.

11 Q. So as best as you can tell, you are not  
12 currently granted access to the Microsoft Teams  
13 channel or the study protocol review team; correct?

14 A. I do not know for sure.

15 Q. Sitting here today, you at least don't know  
16 how to access the Microsoft Teams channel for the  
17 study review protocol, assuming you have access to  
18 it; correct?

19 A. I have access to the protocol.

20 Q. But as best as you can tell, you do not  
21 have access to the Teams channel for the study  
22 protocol review team; right?

23 A. Right now, I don't see it.

24 Q. That means right now you cannot go back to  
25 see any Teams chat history from this channel;

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1 correct?

2 A. Right now, I can't see it or I cannot find  
3 it.

4 Q. Do you know if the study team protocol --  
5 let me start over. I messed that up, Doctor.

6 Do you know if the study protocol review team is  
7 still in existence, or is that a group that no  
8 longer meets?

9 A. I don't know.

10 Q. Do you recall attending any meeting of the  
11 study protocol review team?

12 A. Yes. The kickoff meeting I remember.

13 Q. Aside from the kickoff meeting mentioned in  
14 this exhibit, do you recall attending any meetings  
15 of the study protocol review team?

16 A. I don't remember.

17 Q. Do you recall having any Microsoft Teams  
18 chats with any members of the study protocol review  
19 team about the Rezolve-AD protocol?

20 A. I don't think I chat about protocol in  
21 general the details of protocol in general. So --

22 Q. Within your Teams application, Doctor, can  
23 you filter again by messages and search for  
24 protocol?

25 A. Okay.

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1 Q. Can you tell me how many hits you have in  
2 your Teams chat history for the word "protocol"?

3 A. Three. Hang on a sec. 15.

4 Q. Are you able to see when the oldest chat is  
5 about a protocol?

6 A. March 3rd, 2025.

7 Q. Can you tell me some of the names of the  
8 individuals that are showing up in the Teams chat  
9 with whom you discussed the protocol?

10 A. So let me clarify, I can just show you the  
11 names that came up during the search, but I don't  
12 believe there's any substantive discussion about the  
13 protocol.

14 Q. You said there's 15 instances where  
15 protocol shows up in your Teams chat; correct?

16 A. The word protocol, either in the content of  
17 the chat or in the title of the team meeting where  
18 the chat occurred.

19 Q. And your testimony is that without  
20 reviewing any of those 15, you can testify that all  
21 15 are not substantive discussion about a REZPEG  
22 protocol; correct?

23 MR. BATTER: Objection.

24 THE WITNESS: Yeah. I don't think any of them  
25 are substantive, and even if there are anything

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1 MR. BATTER: Objection.

2 THE WITNESS: This message did not show that I  
3 discussed with her. This message shows that I asked  
4 her to send the mistakes in email.

5 BY MR. HOLT:

6 Q. Looking at this document, it shows that in  
7 August of 2023 you used Microsoft Teams to request  
8 Danni Yu send information about the EASI score math  
9 error; correct?

10 A. Probably. I asked her to send the email.

11 MR. HOLT: Brian, can you please introduce tab  
12 number 10 as Exhibit 1440?

13 (Exhibit 1440 was marked for  
14 identification.)

15 BY MR. HOLT:

16 Q. And, Dr. Liu, the Microsoft Teams that we  
17 were looking at was dated August 5th of 2023; right?

18 A. Yes.

19 MR. HOLT: Brian, will you please scroll down to  
20 the bottom of the first page. That's great.

21 BY MR. HOLT:

22 Q. Do you see, Dr. Liu, that on the same day,  
23 August 5th, 2023, Danni Yu is sending an email to  
24 Mary Tagliaferri and Jonathan Zalevsky, cc'ing you,  
25 and the subject is KFAD: Errors in MMRM results are

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1 found in Lilly Final CSR?

2 A. Yes.

3 Q. Fair to say that this email that we are  
4 looking at, where Danni Yu is sending information  
5 about the EASI score math error, is that email that  
6 you had requested she send in the Teams chat from  
7 Exhibit 1426?

8 A. Probably.

9 Q. Do you recall if, after you sent Danni Yu  
10 the Teams chat with the request to send this email,  
11 if Danni responded to you within Teams?

12 A. I don't recall.

13 MR. HOLT: Brian, you can take this down. Thank  
14 you.

15 BY MR. HOLT:

16 Q. Because of this Teams chat that you sent  
17 Danni Yu was in August of 2023, we cannot now go  
18 back to your Teams chat history with Danni and see  
19 if she responded to you; correct?

20 A. I don't know -- I don't recall whether she  
21 responded or not. I'm assuming she, based on the  
22 email, she did send the email.

23 Q. Based on the Teams chat email that we have,  
24 we don't know one way or another if Danni Yu  
25 responded to your message within Teams; right?

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1 A. I don't know whether she responded or not,  
2 but I saw the email that came out.

3 Q. So as of August of 2023, you were using the  
4 Microsoft Teams chat to send requests about the EASI  
5 score error to Danni Yu; right?

6 MR. BATTER: Objection.

7 THE WITNESS: I don't recall really using chats  
8 to -- to -- other than this one that's just a simple  
9 request, I don't recall anything else.

10 MR. HOLT: Brian, could you please pull back up  
11 1426 just so we have it in front of us. Thank you.

12 BY MR. HOLT:

13 Q. Is it your testimony today, Dr. Liu, that  
14 the requests that you sent to Danni Yu in Teams chat  
15 back in August of 2023 about the EASI score error  
16 was an unimportant request?

17 MR. BATTER: Objection.

18 THE WITNESS: So I sent the request to ask her  
19 to send the email and the email was sent and that  
20 was kept. So the content of the request is in -- is  
21 documented in emails.

22 BY MR. HOLT:

23 Q. In this situation, had you not sent the  
24 request to Danni Yu via Teams chat, that email would  
25 not have been sent; right?

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1           THE WITNESS: Again, this is not about  
2 interpretation of the results, because we don't have  
3 interim analysis. It --

4 BY MR. HOLT:

5           Q. Well, Dr. Zalevsky is asking you, if we get  
6 these results, what can we say about them. And your  
7 response is, what I can tell you is they are not  
8 designed to assess statistical significance; right?

9           MR. BATTER: Objection.

10          THE WITNESS: Basically, to me, I am basically  
11 answering the question about what the purpose or --  
12 of the interim analysis is and our possible  
13 outcomes.

14 BY MR. HOLT:

15          Q. And, in your opinion, the purpose of an  
16 interim analysis for a REZPEG trial is an important  
17 topic; right?

18          MR. BATTER: Objection.

19          THE WITNESS: It is documented in the protocol  
20 and SAP.

21 BY MR. HOLT:

22          Q. It is not answering my question, Doctor.

23          In your opinion, the purpose of an interim  
24 analysis for a REZPEG trial is an important topic;  
25 agree?

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1 BY MR. HOLT:

2 Q. And, in your opinion, is what Nektar can  
3 say about potential outcomes from an interim  
4 analysis in a Phase 2 REZPEG trial something that is  
5 important or unimportant?

6 MR. BATTER: Same objection again.

7 THE WITNESS: This topic -- this is basically,  
8 in my opinion, documented in the protocol and SAP.  
9 So it is already in the documents.

10 BY MR. HOLT:

11 Q. Whether or not it is in the documents, the  
12 protocol and the SAP, you agree that the potential  
13 outcomes of an interim analysis in a Phase 2 REZPEG  
14 trial is a substantive topic; right?

15 MR. BATTER: Same objection.

16 THE WITNESS: I think it's probably -- I vaguely  
17 remember it might have been discussed somewhere.

18 BY MR. HOLT:

19 Q. That doesn't answer my question, Doctor.  
20 Whether or not it is in the documents, the  
21 protocol and the SAP, you agree that the potential  
22 outcomes of an interim analysis in a Phase 2 trial  
23 for REZPEG is a substantive topic; right?

24 MR. BATTER: Same objection yet again.

25 THE WITNESS: I don't know. I think the

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1 conclusion that any Teams chat that somebody sent  
2 you about REZPEG would have been unimportant?

3 MR. BATTER: Objection.

4 THE WITNESS: That's the general business  
5 practice. I assume everyone knows that.

6 BY MR. HOLT:

7 Q. According to you, Nektar's general business  
8 practice is that people's questions raised in  
9 Microsoft Teams chats are unimportant; right?

10 MR. BATTER: Objection.

11 THE WITNESS: My general -- my general practice  
12 is I don't raise any topics that are important in  
13 chats. Even if there's anything relevant, it will  
14 be documented in emails or in formal documents.

15 BY MR. HOLT:

16 Q. And you can only speak to your personal  
17 general practice; right?

18 A. I can speak to my general practice, and I  
19 think everyone at Nektar probably follows the same  
20 practice.

21 Q. What's your basis for saying you think  
22 everyone at Nektar probably follows the same  
23 practice to not include important topics in their  
24 Microsoft Teams chats?

25 A. Because when we first switched from Skype

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1 to Teams, we got training saying that chats are  
2 being deleted. So anything important needs to be  
3 preserved in documents or emails.

4 Q. You don't recall responding to  
5 Dr. Zalevsky's Teams chat here via email; right?

6 A. I don't remember.

7 Q. You certainly responded via Teams chat to  
8 Dr. Zalevsky's questions; right?

9 A. I see it.

10 Q. If it turns out that you never send  
11 Dr. Zalevsky an email with your response to his  
12 questions raised in this March 3rd, 2025, Microsoft  
13 Teams chat, then your opinion is that this  
14 discussion being held in the Teams chat is  
15 unimportant and not substantive; right?

16 MR. BATTER: Objection.

17 THE WITNESS: As I said, if anything relevant,  
18 usually we discuss it in meetings, like the strategy  
19 team meetings, and there are clear meeting minutes  
20 documented.

21 BY MR. HOLT:

22 Q. Do you recall discussing in any strategy  
23 team meetings what Dr. Zalevsky raised for you in  
24 the exhibit we're looking at here?

25 A. I don't remember.

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1 chats?

2 A. No, because this document says preserve  
3 anything related to the dispute. It doesn't discuss  
4 anything -- I don't believe I discussed anything  
5 related to the lawsuit in chats or anywhere.

6 Q. When you say you don't discuss anything  
7 related to the lawsuit, are you specifically  
8 referring to the allegations brought by Nektar and  
9 Lilly, or are you referring to something else?

10 A. Correct.

11 Q. So when you say you don't discuss the  
12 lawsuit with anybody, am I correct to say that your  
13 testimony is you don't discuss the lawsuit itself  
14 with anybody at Nektar, either in Microsoft Teams  
15 chat or any other way; is that right?

16 MR. BATTER: Objection.

17 THE WITNESS: I don't discuss anything related  
18 to the lawsuit in chats or other places.

19 BY MR. HOLT:

20 Q. What is your understanding of what  
21 qualifies as "related to the lawsuit"?

22 A. I think there may be three areas. One is  
23 claiming the KFAD mistakes, the second is the KFAE  
24 trial design, and the third is the lupus trial  
25 results.

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1 Q. Were you ever provided updated or amended  
2 preservation notice that followed the notice we  
3 looked at dated June 30, 2023?

4 A. I don't think so.

5 Q. Do you have any reason to believe that  
6 anybody at Nektar did not comply with the document  
7 preservation notice for this litigation?

8 A. I don't think so.

9 MR. HOLT: Okay. That's all the questions I  
10 have for you, Doctor. I appreciate the  
11 longer-than-expected day. I am not sure if your  
12 counsel has any questions for you, but if so, you  
13 might have to stay a little longer.

14 MR. BATTER: I do, and I will keep them to  
15 probably about 10 minutes.

16 So, Dr. Liu, if you would rather just continue  
17 and finish than take a break, we can do that.

18 THE WITNESS: Sure.

19 CROSS-EXAMINATION

20 BY MR. BATTER:

21 Q. Did you attend an August 2023 meeting where  
22 Dr. Wilson instructed employees not to use Teams  
23 chats to communicate about the lawsuit or work Lilly  
24 had done?

25 MR. HOLT: Objection; form.

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1 THE WITNESS: No.

2 BY MR. BATTER:

3 Q. And why not?

4 A. Because I was on maternity leave between  
5 mid-June to August.

6 Q. You were on maternity leave during the time  
7 when this meeting took place?

8 A. Correct.

9 Q. Did you use Teams chats while on maternity  
10 leave?

11 A. I don't think so. I don't believe so.

12 Q. Even though you were not at the August 7th  
13 meeting where Nektar's general counsel gave his  
14 instruction, have you worked consistent with that  
15 instruction not to use Teams chats to discuss Lilly  
16 or the lawsuit?

17 MR. HOLT: Objection; form.

18 THE WITNESS: Yes.

19 BY MR. BATTER:

20 Q. What do you typically use Teams chats for?

21 A. Usually for quick messages, quick requests,  
22 for example, can we have a meeting, where can I find  
23 this document, can you follow up in my email, things  
24 like that.

25 Q. It sounds like you used chats for

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1 administrative and procedural purposes primarily.

2 Is that fair?

3 MR. HOLT: Objection; form.

4 THE WITNESS: Yes.

5 BY MR. BATTER:

6 Q. How about the Teams chats that you received  
7 from others, do they tend to be of the same nature  
8 of the chats that you send?

9 MR. HOLT: Objection; form.

10 THE WITNESS: I think so.

11 BY MR. BATTER:

12 Q. So things like can we have a meeting,  
13 sorry, I'll be late, where can I find this document,  
14 things like that?

15 A. Yes.

16 MR. HOLT: Objection; form.

17 BY MR. BATTER:

18 Q. I just want to make sure, for the court  
19 reporter's benefit, if, Dr. Liu, you'd wait just a  
20 second so that Mr. Holt can lodge an objection, if  
21 he is going to, so that your answer is clear for the  
22 record.

23 A. Sorry. Yes.

24 Q. That's fine. Thank you.

25 If you are not using Teams chats to perform the

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1 core functions of your work at Nektar, then what  
2 applications, tool, or software are you using to  
3 perform the core functions of your work?

4 MR. HOLT: Objection; form.

5 THE WITNESS: Either emails, formal documents,  
6 or Team channel document files, under files.

7 BY MR. BATTER:

8 Q. Okay. So you mentioned documents stored in  
9 different locations and emails?

10 A. Yes.

11 Q. And what is your understanding of the  
12 preservation of documents and emails at Nektar?

13 A. They are always kept.

14 Q. When you say "always kept," are you saying  
15 they are preserved forever with no deletion  
16 timeline?

17 A. Correct.

18 MR. HOLT: Objection; form.

19 THE WITNESS: Correct.

20 BY MR. BATTER:

21 Q. Is it important to you that the work you  
22 perform at Nektar is preserved?

23 A. Yes. It is important because --

24 Q. And why?

25 A. Because I need to have a record to show why

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1 those decisions are made. After certain time  
2 period, everybody forgets. So we need proper  
3 documentation about all the decisions made about  
4 these documents.

5 Q. After Lilly terminated the parties'  
6 collaboration agreement in April 2023, have you used  
7 Teams chats to communicate about the collaboration  
8 agreement between the parties?

9 MR. HOLT: Objection; form.

10 THE WITNESS: No.

11 BY MR. BATTER:

12 Q. After Lilly terminated the collaboration  
13 agreement, have you used Teams chats to comment on  
14 the work that Lilly performed under the  
15 collaboration agreement?

16 A. I don't think so.

17 Q. And after Nektar ultimately sued Lilly in  
18 August 2023, have you used Teams chats to  
19 communicate about the lawsuit, the claims in the  
20 lawsuit, the allegations, the issues related?

21 MR. BATTER: Objection; form.

22 THE WITNESS: No. I don't think so.

23 BY MR. BATTER:

24 Q. And why is it that you are not using Teams  
25 chats to talk about these topics?

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1       A. Because chats are designed for quick  
2 messages, quick requests, quick updates.

3           So it is our common practice to not use chat for  
4 substantive work, which are stored in emails or  
5 documents.

6       Q. I'd like to show you, just briefly, the  
7 document preservation notice marked as 1427.

8       MR. BATTER: Brian, if you wouldn't mind sharing  
9 the first page of that.

10 BY MR. BATTER:

11       Q. And, Dr. Liu, I will direct your attention  
12 to the second paragraph beginning "effective  
13 immediately." If you look at the second line, it  
14 refers to documents, quote, "relating to the  
15 dispute," end quote.

16       Do you see that?

17       A. I see it.

18       Q. Do your Teams chats relate to the -- excuse  
19 me. Do your Teams chats relate to the dispute with  
20 Lilly?

21       MR. HOLT: Objection; form.

22       THE WITNESS: No.

23 BY MR. BATTER:

24       Q. And then do you see three bullets further  
25 down the page in Exhibit 1427?

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1 A. I see it.

2 Q. Did your Teams chats relate to the actions  
3 or inactions taken by Lilly in the development of  
4 REZPEG?

5 MR. BATTER: Objection; form.

6 THE WITNESS: No.

7 BY MR. BATTER:

8 Q. Do your chats relate to the standard of  
9 care Lilly used in performing its obligations under  
10 the agreement between the parties?

11 MR. HOLT: Objection; form.

12 THE WITNESS: No.

13 BY MR. BATTER:

14 Q. Do your Teams chats relate to Nektar's  
15 various discussions, negotiations, collaborations,  
16 and agreements with Lilly relating to the  
17 development of REZPEG?

18 MR. HOLT: Objection; form.

19 THE WITNESS: No.

20 BY MR. BATTER:

21 Q. And, Dr. Liu, you saw I was reading from  
22 those three bullets in this document preservation  
23 notice?

24 A. Sorry. Can you repeat?

25 Q. You noticed I was reading from the three

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1 bullets in document preservation notes?

2 A. Yes.

3 Q. And so your Teams chats do not cover the  
4 topics discussed in these three bullets?

5 MR. HOLT: Objection; form.

6 THE WITNESS: Correct.

7 BY MR. BATTER:

8 Q. Have you complied with the document  
9 preservation notice you signed by not deleting  
10 materials related to Nektar's dispute with Lilly?

11 A. Correct.

12 Q. Can we pull up Exhibit 1434 for a moment?  
13 Dr. Liu, do you recall seeing this exhibit  
14 earlier in your testimony?

15 A. Yes.

16 Q. Is this a substantive or important Teams  
17 chat about Lilly?

18 MR. HOLT: Objection; form.

19 THE WITNESS: No.

20 BY MR. BATTER:

21 Q. Is this a substantive or important Teams  
22 chat about Lilly's work on REZPEG development?

23 MR. HOLT: Objection; form.

24 THE WITNESS: No.

25 ///

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1 BY MR. BATTER:

2 Q. Is this a substantive or important Teams  
3 chat about Nektar's dispute with Lilly?

4 MR. HOLT: Objection; form.

5 THE WITNESS: No.

6 BY MR. BATTER:

7 Q. Is this a substantive or important Teams  
8 chat regarding REZPEG development at all?

9 MR. HOLT: Objection; form.

10 THE WITNESS: No.

11 BY MR. BATTER:

12 Q. What is the NEJ?

13 A. New England Journal of Medicine.

14 Q. Are the New England Journal of Medicine  
15 papers referenced in this Teams chat publicly  
16 available?

17 A. Yes.

18 Q. So in this Teams chat, Heng is just asking  
19 you about the location of publicly available papers?

20 A. Correct.

21 Q. Earlier you testified that Heng was  
22 collecting material to perform a competitive  
23 landscape analysis for drug development.

24 Do you recall that?

25 A. Yes.

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1 Q. Would that competitive analysis have  
2 happened in Teams chats?

3 MR. HOLT: Objection; form.

4 THE WITNESS: No.

5 BY MR. BATTER:

6 Q. Where would that competitive analysis have  
7 been done?

8 A. It's documented in -- usually in the slide  
9 deck or, you know, in Word document.

10 Q. And would that competitive analysis have  
11 been documented and preserved?

12 A. Yes.

13 MR. HOLT: Objection; form.

14 THE WITNESS: Yes.

15 BY MR. BATTER:

16 Q. I'd like to show you Exhibit 1443.

17 Do you see this on your screen, Dr. Liu?

18 A. Yes.

19 Q. In your testimony, you noted that you  
20 copied and pasted this bar graph into your April 15,  
21 2025, chat.

22 Do you see that?

23 A. Yes.

24 Q. Is this bar graph also available outside of  
25 this Teams chat?

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1 August 7th, 2023, you are aware that at least some  
2 of your colleagues at Nektar continued to use  
3 Microsoft Teams chats with you related to REZPEG;  
4 right?

5 MR. BATTER: Objection.

6 THE WITNESS: Right.

7           MR. HOLT: Thank you, Doctor, no further  
8 questions.

## RECROSS - EXAMINATION

10 BY MR. BATTER:

11 Q. I just have one question, and it's actually  
12 a question I've already asked, but at least the  
13 realtime didn't catch all of it because there was an  
14 objection, and I just want a clean transcript.

15 Even though you were on maternity leave,  
16 Dr. Liu, during the August 7, 2023, meeting where  
17 Nektar's general counsel gave his instruction about  
18 the use of Teams chats, have you, nevertheless,  
19 worked consistent with that instruction not to use  
20 Teams chats not to discuss Lilly or the lawsuit?

21 | MR. BATTER: Objection; form.

22 THE WITNESS: Correct.

23 MR. BATTER: No further questions.

24 | //

25 | //

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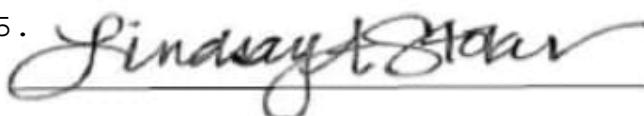
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1 STATE OF CALIFORNIA )

2 ) ss.

3 COUNTY OF ORANGE )

4 I, LINDSAY ANNE STOKER, RDR, RMR, CRR, CRC,  
5 and Certified Shorthand Reporter of the State of  
6 California, does hereby certify:7 That the foregoing deposition was taken  
8 before me at the time and place therein set forth, at  
9 which time the witness was duly sworn by me;10 That the statements made on the record were  
11 recorded stenographically by me and were thereafter  
12 transcribed; said transcript being a true and correct  
13 copy of the proceedings thereof;14 I further certify that I am neither counsel for  
15 nor related to any party to said action, nor in any way  
16 interested in the outcome thereof;17 Further, that if the foregoing pertains to the  
18 original transcript of a deposition in a federal case,  
19 before completion of the proceedings, review of the  
20 transcript was not requested/offered on the record.21 In witness whereof, I have subscribed my name,  
22 this 6th day of May, 2025.  
23

24

Lindsay A. Stoker, RDR, RMR, CRR, CRC

25

CA CSR No. 14373